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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,876	06/21/2001	Randy L. Hackbarth	2-3-12	6076
46304 7590 01/08/2008 RYAN, MASON & LEWIS, LLP 90 FOREST AVENUE LOCUST VALLEY, NY 11560				
EXAMINER				
PITARO, RYAN F				
ART UNIT		PAPER NUMBER		
2174				
MAIL DATE		DELIVERY MODE		
01/08/2008		PAPER		

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/886,876
Filing Date: June 21, 2001
Appellant(s): HACKBARTH ET AL.

Joseph B. Ryan
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/1/2007 appealing from the Office action mailed 4/4/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0101446	Tang et al
5,877,758	Seybold

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al ("Tang", US2002/0101446) in view of Seybold ("Seybold", US 5,877,758).

As per independent claim 1, Tang discloses a method for use in providing a Web team portal in a collaborative system comprising the steps of: setting up a plurality of team members to collaboratively communicate (Figure 18); automatically collecting presence information of each of said members in said team ([0111] lines 1-14); automatically determining a current location for each team member ([0103] lines 8-16); and dynamically displaying a visual representation having a plurality of display windows including at least said team members, said collected presence and location information ([0107] lines 1-14), and a set of mechanisms for a team member to use in conjunction with said displayed presence and location information to initiate a prescribed mode of communicating with one or more others of said members in said team for a particular collaborative purpose ([0118] lines 1-5).

Tang fails to distinctly point out a time axis and category axis and representing categories by position and graphic elements. However, Seybold teaches wherein said visual representation comprises a time axis having axis positions corresponding to respective ones of a plurality of time ranges of differing durations arranged along the time axis in a sequence of increasing duration from a first time range of relatively short duration to additional time ranges of progressively longer durations (Figure 2a, Column 8 lines 33-65, from daily to monthly), a category axis having axis positions corresponding to respective ones of the team members (Figure 2a), and a plurality of graphic elements, a given one of the graphic elements specifying an activity state for a particular one of the plurality of team members for a particular time period (Column 7 lines 15-37, task distribution), the particular one of the plurality of team members being indicated by position of the graphic element relative to the category axis, the particular time period being indicated by position of the graphic element relative to the time axis (Column 7 lines 15-37, visually determining how tasks are distributed for each team member). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Seybold with the method of Tang. Motivation to do so would have been to provide the user visual access to resource and task data, and direct ways to view and manipulate information.

As per claim 2, which is dependent on claim 1, Tang-Seybold discloses a method further including a step of a member of said team employing said displayed presence and location information and at least one of said mechanisms to initiate communication with one or more of others of said members in said team (Tang, Figure 18).

As per claim 3, which is dependent on claim 1, Tang-Seybold discloses a method wherein said prescribed mode of communicating includes at least either an asynchronous or a synchronous mode (Tang, [0082] lines 20-21).

As per claim 4, which is dependent on claim 3, Tang-Seybold discloses a method wherein said step of dynamically displaying includes a step of automatically updating one or more said plurality of display windows (Tang, [0075] lines 11-13).

As per claim 5, which is dependent on claim 4, Tang-Seybold discloses a method wherein said steps of automatically collecting presence information include steps of automatically updating said presence and location information, respectively (Tang, [0111] lines 1-14).

As per claim 6, which is dependent on claim 5, Tang-Seybold discloses a method wherein said presence information for a team member represents prescribed activities of said team member regarding one or more of predetermined instrumentalities and/or actions (Tang, [0116] lines 8-13).

As per claim 7, which is dependent on claim 6, Tang-Seybold discloses a method wherein said set of mechanisms includes at least email, chat, voice call or the like (Tang, Tang, [0082] lines 15-26).

As per claim 8, which is dependent on claim 6, Tang-Seybold discloses a method further including a step of maintaining said collected and updated presence and location information (Tang, [0111] lines 1-14) and a step of notifying said participants of changes of stats in said presence and location information for members in said team (Tang, [0115] lines 1-7).

As per claim 9, which is dependent on claim 9, Tang-Seybold discloses a method wherein said set of mechanisms further includes persistent chat and said step of initiating communication further includes initiating a persistent chat session (Tang, Figure 8b).

Claims 10,18 are individually similar in scope to that of claim 1, and are therefore rejected under similar rationale.

Claims 11,19 are individually similar in scope to that of claim 2, and are therefore rejected under similar rationale.

Claims 12,20 are individually similar in scope to that of claim 3, and are therefore rejected under similar rationale.

Claims 13,21 are individually similar in scope to that of claim 4, and are therefore rejected under similar rationale.

Claims 14,15,22 are individually similar in scope to that of claim 5, and are therefore rejected under similar rationale.

Claims 16,23 are individually similar in scope to that of claim 6, and are therefore rejected under similar rationale.

Claims 17,24 are individually similar in scope to that of claim 7, and are therefore rejected under similar rationale.

Claim 25 is individually similar in scope to that of claim 8, and is therefore rejected under similar rationale.

Claim 26 is individually similar in scope to that of claim 9, and is therefore rejected under similar rationale.

As per claim 27, which is dependent on claim 26, Tang-Seybold discloses a method wherein said set up unit communication further sets up third party calls (Tang, [0100] lines 1-12).

(10) Response to Argument

The Appellants argue that Seybold fails to teach a time axis having axis positions corresponding to time ranges or differing, and progressively increasing, durations; however, that time axis layout is a matter of "design choice". Since the specification is virtually silent on the matter of any purported advantage to the specific layout of the time axis and even further describes it as an "example implementation" (Page 26 lines 6-15), it is regarded as not solving any particular problem or produces any unexpected result. Seybold solves the exact same problem using the time scale pointed out in the office action. The progressive time scale of the Appellant simply appears to be an "afterthought amendment" to overcome the prior art of record. Nowhere in the specification does it disclose it being a vital element of functioning and even attributes it as an "example implementation".

The Appellants further argue that Tang and Seybold are not analogous prior art, and therefore, one skilled in the art would not have been motivated to combine. However, Tang and Seybold both deal with tracking a user's activity through a Graphical User Interface. While Tang provides a simple way of tracking most recent activity, one skilled in the art would recognize the need for improvement for a time

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scaled collaborative management tool that consolidates, coordinates, and tracks team activity, especially for the working environment of Tang. Both Tang and Seybold attempt to solve the problem of tracking a user's activity and locale.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ryan Pitaro

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